

S.B. Cr. Misc. Petition No. 1703/2007
(Girdhari & Ors. Vs. State of Rajasthan)

Date of order : 26.10.2007

HON'BLE MR.H.R.PANWAR,J.

Mr. B.S.Rathore for the petitioners.

Mr. Ashok Upadhyay, P.P.

Issue notice for final disposal. Mr. Ashok Upadhyay, public prosecutor accepts the notice for the state. With the consent of learned counsel for the parties, the matter is finally heard and decided.

It is contended by learned counsel for the petitioners that the petitioners have been convicted for the offences under Sections 148, 451, 323/149 and 325/149 IPC. On an appeal, the sentences have been suspended but on the condition that the petitioners should deposit the fine amount which comes around Rs.38,000/-. The petitioners are poor agriculturists and the appeal is yet pending before the appellate court.

Having regard to the peculiar facts and circumstances of the case, in my view, the sentence of fine also deserves to be suspended.

The criminal misc. petition is therefore, allowed and the condition of depositing fine amount in the order impugned is

set aside and the sentence of fine awarded by Additional Chief Judicial Magistrate, Pali in Criminal Case No.585/05 also shall remain suspended during the pendency of the appeal before learned Sessions Judge, Pali in the peculiar facts and circumstances of the case provided the petitioners furnish the bail bonds and surety bonds as directed by learned Sessions Judge, Pali vide order dated 23.10.2007.

(H.R.PANWAR), J.

rp

S.B.Cr. Stay Petition No. 1297/2007

In

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HON'BLE MR.H.R.PANWAR,J.

Mr. B.S.Rathore for the petitioners.

Mr. Ashok Upadhyay, P.P.

Since the criminal misc. petition itself has been allowed, the stay petition stands disposed of.

(H.R.PANWAR),J.

rp.